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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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JAY S. WALKER

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22927

7590

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EXAMINER

NGUYEN, TRI V

ART UNIT

PAPER NUMBER

1796

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/282,747	<b>Applicant(s)</b> WALKER ET AL.	
	<b>Examiner</b> TRI V. NGUYEN	<b>Art Unit</b> 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12/12/08.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 81-101 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 81-101 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

Art Unit: 1796

## **DETAILED ACTION**

### ***Request for Continued Examination***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/12/08 has been entered.

### ***Response to Amendment***

2. Upon the amendment filed on 12/12/08, Claim 1 is amended and Claims 2-80 are cancelled. The currently pending claims are Claims 1 and 81-101.

3. Based on applicants' remarks and amendments, the 101 rejections and the 103(a) rejections are withdrawn. However, a new ground of rejections based on newly found art of Oslund ("The battle is joined // State's local long-distance business lures US West's competitor." Star Tribune, Feb 12, 1996, pages 1-3) is presented and the 112(1) rejections are maintained.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1 and 81-101 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it

Art Unit: 1796

pertains, or with which it is most nearly connected, to make and/or use the invention. Claims 1, 81 and 82 recite the limitations of specific service and/or lack of service requirement regarding the product and upselling offers; however, the specification seems to lack literal basis for the claimed limitations.

***Claim Rejections - 35 USC § 103***

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 1 and 81-101 are rejected under 35 USC 103(a) as being unpatentable over Katz in view of Oslund ("The battle is joined // State's local long-distance business lures US West's competitor." Star Tribune, Feb 12, 1996, pages 1-3), Brian Reilly ("Upselling strategies hit the net" Net Marketing, pages M1 and M18, December 1996), Chelliah et al. (US 5,710,887), and further in view of Schanhausser ("A maze of plastic consumers try to make their way through the confusing state of credit cards." St Louis Post Dispatch, Jul 30, 1994.) or Edwards ("Credit card issuers see some growth." Las Vegas Review - Journal, March 18, 1994).

Katz discloses various schemes that include upselling offers of goods/services upon an indication of and based on a primary transaction, closing/order fulfillment/tracking on the second transaction (thus an indication of fulfillment received) (see at least Figs 5, items 210-214 and col 15, lines 59-65; col 17, line 54 to col 18, line 15; col 19, line 24 to col 20, line 23).

Claim 1: Katz et al. discloses a method, comprising:

- a. before receiving an indication of at least one item selected by a customer for purchase from a first vendor, receiving, via an electronic network information relating to customer activity of a customer with a first vendor, in which the information indicates interest of the

Art Unit: 1796

customer in purchasing at least one item from the first vendor (col 15, lines 59-65; col 17, line 54 to col 18, line 15; col 19, line 24 to col 20, line 23 and Figs 4-6);

- b. receiving an indication of at least one item selected by the customer to purchase from the first vendor, the at least one item having an associated total price (col 15, lines 59-65; col 17, line 54 to col 18, line 15; col 19, line 24 to col 20, line 23 and Figs 4-6);

but does not explicitly disclose

- c. before receiving the indication of at least one item selected by the customer for purchase from the first vendor, providing to the customer, in response to the received information, an indication of an offer for a subsidy from a second vendor, wherein the offer for the subsidy is an offer for a reduction in price relative to a total price of a purchase from the first vendor; and
- d. charging the customer a second price for the at least one item selected for purchase only if the offer is accepted, the second price being less than the associated total price.

However, Katz et al. do not explicitly teach the network and secondary subsidized architecture.

In an analogous art, Reilly discloses an upselling system that includes the features of a web interface with selectable buttons, price indication and promotional offers/redemptions (see page M-3 and M-18) and Chelliah et al. disclose a marketing system in which various coupons are offered based on the items selected by the customer and placed into a virtual shopping cart via pricing rules (col 13, line 10 to col 15, line 32). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to allow the customer to interact with the system via a customer interface on various platforms that includes standard inputs and outputs such as a selectable button, price indications and selecting offers from various merchants. The claimed subject matter would have been obvious because a particular

Art Unit: 1796

known technique was recognized as part of the ordinary capabilities of a skilled artisan to improve and update known scheme to modern business and technological practices. In particular, the claim would have been obvious because a particular known technique such as the adaptation of the web interface schematic of Reilly to the personal interactions of Katz was recognized as part of the ordinary capabilities of a skilled artisan.

In an analogous art, Oslund teaches that it is known to use a cross-marketing approach to sell a product at discount via a subsidy from a second vendor to provide an incentive to the purchaser of the product - grocery coupon subsidized by AT&T (abstract and page 3) and Schanhausser or Edwards teach the features of providing a subsidy (e.g. discounts, lower rates) for a purchase (e.g. computer, car, magazine) via a service agreement (credit card) with a second merchant (e.g. MasterCard, Visa). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the cited references' method, with the cross-marketing approach as taught by Oslund and Schanhausser or Edwards. One would have been motivated to modify the method with subsidizing for the price of a product/service with a related product/service for providing an incentive for the purchase of the initial product/service thus enhancing customer base via a combination of products and achieving profitability. The claimed subject matter would have been obvious because a particular known technique was recognized as part of the ordinary capabilities of a skilled artisan to improve and update known scheme to modern business and technological practices.

Claim 81: Katz et al. discloses a method, comprising the steps of

- a. receiving via an electronic network an indication that an item has been placed in a shopping cart of a Web site of first vendor, in which the item has an associated price;

Art Unit: 1796

- b. determining whether to provide an offer for a subsidy based on the received indication (col 15, lines 59-65; col 17, line 54 to col 18, line 15; col 19, line 24 to col 20, line 23 and Figs 4-6);
- c. determining an offer for a subsidy from a second vendor, in which the offer includes a requirement to participate in a transaction with the second vendor (col 15, lines 59-65; col 17, line 54 to col 18, line 15; col 19, line 24 to col 20, line 23 and Figs 4-6);
- d. displaying, during a transaction, an indication of the offer for the subsidy from the second vendor, in which the offer is displayed via a Web page (col 15, lines 59-65; col 17, line 54 to col 18, line 15; col 19, line 24 to col 20, line 23 and Figs 4-6);
- e. receiving input representing a click of a button on the Web page (col 15, lines 59-65; col 17, line 54 to col 18, line 15; col 19, line 24 to col 20, line 23 and Figs 4-6);
- f. determining, from the input, a response to the offer for the subsidy (col 15, lines 59-65; col 17, line 54 to col 18, line 15; col 19, line 24 to col 20, line 23 and Figs 4-6);  
and
- g. selling, during the transaction, the item for a second price only if the response indicates that the offer is accepted, in which the second price is less than the price of the item.

Katz et al. recites steps b-f but does not explicitly disclose step a and g. The shopping cart limitation is seen as a design decision which is given little, if any, patentable weight. Katz et al. teaches the use of a website and recites the intention of purchasing. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method as taught by Katz et al. to include shopping carts and the web interface features. One would have been motivated to allow for the modification of the method to simulate the shopping experience of the physical world. In an analogous art, Reilly discloses an upselling system that

Art Unit: 1796

includes the features of a web interface with selectable buttons, price indication and promotional offers/redemptions (see page M-3 and M-18) and Chelliah et al. disclose a marketing system in which various coupons are offered based on the items selected by the customer and placed into a virtual shopping cart via pricing rules (col 13, line 10 to col 15, line 32). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to allow the customer to interact with the system via a customer interface on various platforms that includes standard inputs and outputs such as a selectable button, price indications and selecting offers from various merchants. The claimed subject matter would have been obvious because a particular known technique was recognized as part of the ordinary capabilities of a skilled artisan to improve and update known scheme to modern business and technological practices. In particular, the claim would have been obvious because a particular known technique such as the adaptation of the web interface schematic of Reilly to the personal interactions of Katz was recognized as part of the ordinary capabilities of a skilled artisan.

In an analogous art, Oslund teaches that it is known to use a cross-marketing approach to sell a product at discount via a subsidy from a second vendor to provide an incentive to the purchaser of the product (abstract and page 3) and Schanhausser or Edwards teach the features of providing a subsidy (e.g. discounts, lower rates) for a purchase (e.g. computer, car, magazine) via a service agreement (credit card) with a second merchant (e.g. MasterCard, Visa). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the cited references' method, with the cross-marketing approach as taught by Oslund and Schanhausser or Edwards. One would have been motivated to modify the method with subsidizing for the price of a product/service with a related product/service for providing an incentive for the purchase of the initial product/service thus enhancing customer base via a combination of products and achieving profitability. The claimed



Art Unit: 1796

subject matter would have been obvious because a particular known technique was recognized as part of the ordinary capabilities of a skilled artisan to improve and update known scheme to modern business and technological practices.

Claim 82: Katz et al. discloses a method, comprising the steps of:

- a. receiving via an electronic network an indication that an item has been placed in a shopping cart of a Web site of first vendor, in which the item has an associated price;
- b. determining an amount (this step is implied in order to charge a customer);
- c. determining whether to provide an offer for a subsidy based on the received indication (col 15, lines 59-65; col 17, line 54 to col 18, line 15; col 19, line 24 to col 20, line 23 and Figs 4-6);
- d. determining an offer for a subsidy from a second vendor, in which the offer includes a requirement to participate in a transaction with the second vendor (col 15, lines 59-65; col 17, line 54 to col 18, line 15; col 19, line 24 to col 20, line 23 and Figs 4-6);
- e. determining a subsidy amount (this step is implied in order to determine a subsidy offer);
- f. displaying, during a transaction, an indication of the offer for the subsidy from the second vendor, in which the offer is displayed via a Web page (col 15, lines 59-65; col 17, line 54 to col 18, line 15; col 19, line 24 to col 20, line 23 and Figs 4-6);
- g. receiving input representing a click of a button on the Web page (col 15, lines 59-65; col 17, line 54 to col 18, line 15; col 19, line 24 to col 20, line 23 and Figs 4-6);
- h. determining, from the input, a response to the offer for the subsidy (col 15, lines 59-65; col 17, line 54 to col 18, line 15; col 19, line 24 to col 20, line 23 and Figs 4-6);

Art Unit: 1796

- i. determining a second price based on the price of the item and the subsidy amount (this step is implied in order to charge a customer participating in the transaction)
- j. selling, during the transaction, the item for the second price only if the response indicates that the offer is accepted, in which the second price is less than the price of the item.

Katz et al. recites steps b-i but does not explicitly disclose step a and g. The shopping cart limitation is seen as a design decision which is given little, if any, patentable weight. Katz et al. teaches the use of a website and recites the intention of purchasing. . It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method as taught by Katz et al. to include shopping carts and the web interface features. One would have been motivated to allow for the modification of the method to simulate the shopping experience of the physical world. In an analogous art, Reilly discloses an upselling system that includes the features of a web interface with selectable buttons, price indication and promotional offers/redemptions (see page M-3 and M-18) and Chelliah et al. disclose a marketing system in which various coupons are offered based on the items selected by the customer and placed into a virtual shopping cart via pricing rules (col 13, line 10 to col 15, line 32). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to allow the customer to interact with the system via a customer interface on various platforms that includes standard inputs and outputs such as a selectable button, price indications and selecting offers from various merchants. The claimed subject matter would have been obvious because a particular known technique was recognized as part of the ordinary capabilities of a skilled artisan to improve and update known scheme to modern business and technological practices. In particular, the claim would have been obvious because a particular known

Art Unit: 1796

technique such as the adaptation of the web interface schematic of Reilly to the personal interactions of Katz was recognized as part of the ordinary capabilities of a skilled artisan.

In an analogous art, Oslund teaches that it is known to use a cross-marketing approach to sell a product at discount via a subsidy from a second vendor to provide an incentive to the purchaser of the product (abstract and page 3) and Schanhausser or Edwards teach the features of providing a subsidy (e.g. discounts, lower rates) for a purchase (e.g. computer, car, magazine) via a service agreement (credit card) with a second merchant (e.g. MasterCard, Visa). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the cited references' method, with the cross-marketing approach as taught by Oslund and Schanhausser or Edwards. One would have been motivated to modify the method with subsidizing for the price of a product/service with a related product/service for providing an incentive for the purchase of the initial product/service thus enhancing customer base via a combination of products and achieving profitability. The claimed subject matter would have been obvious because a particular known technique was recognized as part of the ordinary capabilities of a skilled artisan to improve and update known scheme to modern business and technological practices.

Claims 83-87: Katz et al., Reilly, Chelliah et al., Oslund and Schanhausser or Edwards disclose the method of claim 1, in which the information relating to customer activity comprises an indication of a mouse click on a predetermined portion of a Web page (Katz et al.: col 19, line 59 to col 20, line 23), a mouse-over on a predetermined portion of a Web page (Katz et al.: col 19, line 59 to col 20, line 23) but do not explicitly disclose a mouse click on a predetermined banner advertisement, a mouse click on an indication of an item, or mouse-overs on predetermined portions of Web pages at least a predetermined number of times. The features of a mouse click

Art Unit: 1796

on a predetermined banner advertisement, a mouse click on an indication of an item and mouse-over on predetermined portions of Web pages at least a predetermined number of times are deemed to be obvious variants of monitoring the mouse cursor pattern on a specific webpage. Katz et al., Reilly, Chelliah et al., Oslund and Schanhausser or Edwards invite such modifications by teaching the identification of potential customer via a thorough knowledge of the customer's background and intentions (Katz et al. : col 10, lines 46-55). Therefore, it would have been obvious to a skilled artisan to modify the method of Katz et al., Reilly, Chelliah et al., Oslund and Schanhausser or Edwards for various mouse tracking configurations. One would be motivated to modify the method to obtain information about the customer's browsing behavior, thus enhancing targeted marketing opportunities.

Claims 88-94: Katz et al., Reilly, Chelliah et al., Oslund and Schanhausser or Edwards disclose the method of claim 1, in which the information relating to customer activity comprises an indication of accessing predetermined Web pages (Katz et al.: col 19, line 59 to col 20, line 23), accessing a predetermined number of predetermined Web pages (Katz et al.: col 19, line 59 to col 20, line 23) but do not explicitly disclose a search that is performed for a predetermined product, accessing predetermined Web pages in a predetermined sequence, accessing predetermined Web pages during a predetermined time period; a duration that the Web site is open or previous access to a predetermined Web site at least a predetermined number of times. The features of a search that is performed for a predetermined product, accessing predetermined Web pages in a predetermined sequence, accessing predetermined Web pages during a predetermined time period; a duration that the Web site is open or previous access to a predetermined Web site at least a predetermined number of times are deemed to be obvious variants of monitoring the browsing pattern of a potential customer. Katz et al., Reilly, Chelliah

Art Unit: 1796

et al., Oslund and Schanhausser or Edwards invite such modifications by teaching the identification of potential customer via a thorough knowledge of the customer's background and intentions (Katz et al.: col 10, lines 46-55). Therefore, it would have been obvious to a skilled artisan to modify the method of Katz et al., Reilly, Chelliah et al., Oslund and Schanhausser or Edwards for various browsing patterns. One would be motivated to modify the method to obtain information about the customer's browsing behavior, thus enhancing targeted marketing opportunities.

Claims 95-101: Katz et al., Reilly, Chelliah et al., Oslund and Schanhausser or Edwards disclose the method of claim 1, in which the information relating to customer activity comprises an indication of at least a predetermined number of previous purchases from the first vendor (Katz et al.: col 24, lines 12-29) but do not explicitly disclose a predetermined number of items that a customer is ready to purchase from the first vendor, a predetermined item that the customer is ready to purchase from the first vendor, a duration that an item is selected for purchase, requesting a coupon for a predetermined item, an item having at least a predetermined price that the customer is ready to purchase from the first vendor, or a frequent shopper status of the customer. The features of a predetermined number of items that a customer is ready to purchase from the first vendor, a predetermined item that the customer is ready to purchase from the first vendor, a duration that an item is selected for purchase, requesting a coupon for a predetermined item, an item having at least a predetermined price that the customer is ready to purchase from the first vendor, or a frequent shopper status of the customer are deemed to be obvious variants of monitoring the browsing pattern, buying interest and status of a potential customer. Katz et al., Reilly, Chelliah et al., Oslund and Schanhausser or Edwards invite such modifications by teaching the identification of potential customer via a

Art Unit: 1796

thorough knowledge of the customer's background and intentions (Katz et al. : col 10, lines 46-55). Therefore, it would have been obvious to a skilled artisan to modify the method of Katz et al., Reilly, Chelliah et al., Oslund and Schanhausser or Edwards for various browsing patterns. One would be motivated to modify the method to obtain information about the customer's browsing behavior, thus enhancing targeted marketing opportunities.

### ***Response to Arguments***

8. Applicant's arguments filed 12/12/08 have been fully considered but they are not persuasive and are moot in view of the new grounds of rejection.

a. Applicants argue that the lack of service feature was originally disclosed thus mooting the 112(1) rejections (page 10 et seq.). The examiner respectfully disagrees and notes that, according to MPEP 2173.05(i), any negative limitation or exclusionary proviso must have basis in the original disclosure. If alternative elements are positively recited in the specification, they may be explicitly excluded in the claims. See *In re Johnson*, 558 F.2d 1008, 1019, 194 USPQ 187, 196 (CCPA 1977) ("[the] specification, having described the whole, necessarily described the part remaining."). See also *Ex parte Grasselli*, 231 USPQ 393 (Bd. App. 1983), *aff'd mem.*, 738 F.2d 453 (Fed. Cir. 1984). The mere absence of a positive recitation is not basis for an exclusion. Any claim containing a negative limitation which does not have basis in the original disclosure should be rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Note that a lack of literal basis in the specification for a negative limitation may not be sufficient to establish a *prima facie* case for lack of descriptive support. *Ex parte Parks*, 30 USPQ2d 1234, 1236 (Bd. Pat. App. & Inter. 1993). In the instant case, the fact that a service agreement is not present is analogous

Art Unit: 1796

to a description of an absence of a positive limitation and does not necessarily indicate a lack of service limitation.

b. Applicants argue that the cited references do not teach the feature of providing the cross-marketing approach of a discount provided by a second merchant (page 19 et seq.). The examiner respectfully disagrees and notes that even if the references in the instant case do not expressly suggest the specific combination claimed by the inventor, an assertion which the examiner contests, the courts have stated "to support [a] conclusion that claimed combination is directed to obvious subject matter, references must either expressly or impliedly suggest claimed combination or examiner must present convincing line of reasoning as to why artisan would have found claimed invention to have been obvious in light of references' teachings." *Ex parte Clapp*, 227 USPQ 972, 973 (BdPatApp&Int 1985). Furthermore, The Courts have already established that "[h]aving established that this knowledge was in the art, the examiner could then properly rely, as put forth by the solicitor, on a conclusion of obviousness 'from common knowledge and common sense of the person of ordinary skill in the art without any specific hint or suggestion in a particular reference.'" *In re Bozek*, 163 USPQ 545, 549 (CCPA 1969). In the instant case, Katz et al. is relied upon to teach various schemes that include upselling offers of goods/services upon an indication of and based on a primary transaction, closing/order fulfillment/tracking on the second transaction and newly-found art of Oslund is relied upon to teach the cross-marketing feature of subsidy by a second merchant for a primary product purchase that does not require a service agreement (grocery product discount funded by AT&T). Thus the claim would have been obvious because a particular known technique such as the adaptation of marketing

Art Unit: 1796

schematic of Katz with the subsidized system of Oslund was recognized as part of the ordinary capabilities of a skilled artisan.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TRI V. NGUYEN whose telephone number is (571)272-6965. The examiner can normally be reached on M-F 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. V. N./  
Examiner, Art Unit 1796  
March 5, 2009

/Eric W. Stamber/  
Supervisory Patent Examiner, Art Unit 3622